

# AMENDED DECLARATION AND POWER OF ATTORNEY FOR U.S. NATIONAL PHASE PATENT APPLICATION CLAIMING PRIORITY TO PCT APPLICATION (37 CFR 1.63)

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names

We believe that we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### MACROSCOPICALLY MANIPULATE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES

the specification of which:

is attached hereto; or

was filed on November 30, 2001 as a Continuation Application Number 10000,746 (Attorney Docket No. 11321-P011WUC1) of U.S. National Phase of 09/242,740 and PCT Application Number PCT/US97/13896 which published as WO 98/0520 on February 12, 1998, corresponding to United States Provisional Patent Application No. 60/023,732, filed August 8, 1996.

The following divisionals of United States Patent Application Serial No. 10/000,746 have been filed (the "Divisional Patent Applications"):

Appl Serial No.	Att. Docket No.	Continuity Type:	Filing Date:
10/028,231	11321-P011C1D1	Divisional	December 21, 2001
10/027,671	11321-P011C1D2	Divisional	December 21, 2001
10/038,204	11321-P011C1D3	Divisional	December 21, 2001
10/027,753	11321-P011C1D4	Divisional	December 21, 2001
10/036,684	11321-P011C1D5	Divisional	December 21, 2001
10/027,670	11321-P011C1D6	Divisional	December 21, 2001
10/027,750	11321-P011C1D7	Divisional	December 21, 2001
10/027,726	11321-P011C1D8	Divisional	December 21, 2001
10/027,628	11321-P011C1D9	Divisional	December 21, 2001
10/027,668	11321-P011CD10	Divisional	December 21, 2001
10/027,568	11321-P011CD11	Divisional	December 21, 2001

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We hereby state that we have reviewed and understand the contents of the above identified specifications for each of the Applications, including the claims. We hereby authorize our attorney, or his representative, to insert the Application Number, filing and amendment dates.

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We hereby claim foreign priority benefits for each of the Applications under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Cop	by Attached?
		<b>'</b>		Yes	No
[ORIGINAL BASE/PRIORITY APPLICATION]					×

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Application No. Official Filing Date 60/023,732 August 8, 1996

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U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/13896	8 August 1997	WO 98/05920

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Hugh R. Kress, Reg. No. 36,574
Robert C. Shaddox, Reg. No. 34,011
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Edward T. Mickelson, Reg. No. 50,413

of the law firm of WINSTEAD SECHREST & MINICK P.C. Please direct all correspondence to:

Ross Spencer Garsson, Esq.
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100 Congress Avenue, Suite 800
Austin, Texas 78701 USA

and direct all telephone calls to **Ross Spencer Garsson**, Esq. at 512-370-2870 and all facsimile communications to 512-370-2850.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR:

COLBERT, Daniel T.

INVENTOR'S SIGNATURE

DATE: 1/25/03

RESIDENCE:

1911 Milford St., Houston, TX 77098 USA

CITIZENSHIP:

**United States of America** 

Attorney Docket No. 11321-P011 Series FULL NAME OF SECOND INVENTOR: DAI, Hongile INVENTOR'S SIGNATURE: DATE: RESIDENCE: 365 Pescadero Terrace, Sunnyvale, CA 94086 USA CITIZENSHIP: **United States of America** POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF THIRD INVENTOR: HAFNER, Jason H. INVENTOR'S SIGNATURE:\_\_\_\_\_ DATE:\_\_\_\_ RESIDENCE: 373 Highland Ave. #203, Somerville, Massachusetts 02144 USA CITIZENSHIP: **United States of America** POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF FOURTH INVENTOR: RINZLER, Andrew G. INVENTOR'S SIGNATURE:\_\_\_\_\_ DATE: 1713 SW 186<sup>th</sup> St., Newberry, Florida 32669 USA RESIDENCE: CITIZENSHIP: **United States of America** POST OFFICE ADDRESS: (Same as Residence)

FULL NAME OF FIFTH INVENTOR: SMALLEY, Richard E.

INVENTOR'S SIGNATURE:\_\_\_\_

DATE:

RESIDENCE:

1816 Bolsover St., Houston, TX 77081 USA

CITIZENSHIP:

**United States of America** 

Attorney Dock 11321-P011 Se	•	
FULL NAME (	OF SIXTH INVENTOR: JIE LIU	,
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	5825 Gulfton, Apartment 3214 Houston, Texas 77081	
CITIZENSHIP:	U.S.A.	
POST OFFICE	ADDRESS: (Same as Residence)	
	OF SEVENTH INVENTOR: KENNETH A. SMI	ТН
INVENTOR'S	SIGNATURE: 16mm A. Sent	DATE: 2-25.07
RESIDENCE:	333 Dominion, Apartment 1334 Katy, Texas 77450	
CITIZENSHIP	U.S.A.	
POST OFFICE	ADDRESS: (Same as Residence)	·
FULL NAME	OF EIGHTH INVENTOR: TING GUO	
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	2612 Calder Court Davis, California 95616	
CITIZENSHIP	: CHINA	
POST OFFICE	ADDRESS: (Same as Residence)	
FULL NAME	OF NINTH INVENTOR: PAVEL NIKOLAEV	
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	2232 ½ TROON Houston, Texas 77019	
CITIZENSHIP	: RUSSIA	•

FULL NAME OF TENTH INVENTOR: ANDREAS THESS

INVENTOR'S SIGNATURE:\_\_\_\_\_ DATE:\_\_\_\_

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

CITIZENSHIP: GERMANY

POST OFFICE ADDRESS: (Same as Residence)

AUSTIN\_1\208783\1 11321-P011WUC1 02/19/2003



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INVENTOR'S SIGNA	ATURE:		DATE:
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CITIZENSHIP: United States of America

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CITIZENSHI	P: RUSSIA	
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FULL NAME OF TENTH INVENTOR: ANDREAS THESS	
INVENTOR'S SIGNATURE:	DATE:
DESIDENCE. Max Planck-Institut Rischemie: Ahteilung Mo	olekulace.

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

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FULL NAME OF F.	IRSI INVENTUR:	COLBERT, Daniel 1.
INVENTOR'S SIGN	NATURE:	DATE:
RESIDENCE:	1911 Milford St., F	Houston, TX 77098 USA
CITIZENSHIP:	United States of A	merica

FULL NAME OF S	SECOND INVENTOR: DAI, Hongji	<b>e</b>
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	365 Pescadero Terrace, Sunnyvale	e, CA 94086 USA
CITIZENSHIP:	United States of America	
POST OFFICE AD	DDRESS: (Same as Residence)	
	THIRD INVENTOR: HAFNER, J2	
INVENTOR'S SIG	NATURE: Jan 7	_ DATE: <u>03/06/03</u>
RESIDENCE:	373 Highland Ave. #203, Somervill 3610 Underwood, Itouston, 7	lle, Massachusetts 02144 USA
CITIZENSHIP:	United States of America	exas, 9,025, USA
POST OFFICE AD	DDRESS: (Same as Residence)	
FULL NAME OF	FOURTH INVENTOR: RINZLER, A	Andrew G.
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	1713 SW 186th St., Newberry, Flor	rida 32669 USA
CITIZENSHIP:	United States of America	
POST OFFICE AL	DDRESS: (Same as Residence)	
FULL NAME OF	FIFTH INVENTOR: SMALLEY,	Richard E.
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	1816 Bolsover St., Houston, TX 77	7081 USA
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Attorney Docke 11321-P011 Ser		
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10/027,670	11321-P011C1D6	Divisional	December 21, 2001
10/027,750	11321-P011C1D7	Divisional	December 21, 2001
10/027,726	11321-P011C1D8	Divisional	December 21, 2001
10/027,628	11321-P011C1D9	Divisional	December 21, 2001
10/027,668	11321-P011CD10	Divisional	December 21, 2001
10/027,568	11321-P011CD11	Divisional	December 21, 2001

We further believe that we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the inventions of these Divisional Patent Applications.

Collectively, United States Patent Application Serial No. 10/000,746 and the Divisional Patent Applications are the "Applications".

We hereby state that we have reviewed and understand the contents of the above identified specifications for each of the Applications, including the claims. We hereby authorize our attorney, or his representative, to insert the Application Number, filing and amendment dates.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 CFR 1.56.

We hereby claim foreign priority benefits for each of the Applications under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Cop Yes	y Attached?
[ORIGINAL BASE/PRIORITY APPLICATION]	1.00				X

We hereby claim the benefit for each of the Applications under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application No. 60/023,732

Official Filing Date August 8, 1996

We hereby claim the benefit for each of the Applications under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/13896	8 August 1997	WO 98/05920

For each of the Divisional Patent Applications, we further claim the benefit under 35 U.S.C. 120 of United States Patent Application Serial No. 10/000,746, and, insofar as the subject matter of each of the claims of any of the Divisional Patent Application is not disclosed in the this prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Ross Spencer Garsson, Reg. No. 38,150 Hugh R. Kress, Reg. No. 36,574 Robert C. Shaddox, Reg. No. 34,011 Henry L. Ehrlich, Reg. No. 39,663 Timothy M. Donoughue, Reg. No. 46,668 Reece A. Scott, Reg. No. 41,297 Edward T. Mickelson, Reg. No. 50,413

of the law firm of WINSTEAD SECHREST & MINICK P.C. Please direct all correspondence to:

Ross Spencer Garsson, Esq.
WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue, Suite 800
Austin, Texas 78701 USA

and direct all telephone calls to Ross Spencer Garsson, Esq. at 512-370-2870 and all facsimile communications to 512-370-2850.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

RESIDENCE:	1911 Milford St., H	louston, TX 77098 US	A
INVENTOR'S SIGN	ATURE:	<del></del>	DATE:
FULL NAME OF FL	RSI INVENIOR:	COLBERT, Daniel	1.

**United States of America** 

POST OFFICE ADDRESS: (Same as Residence)

CITIZENSHIP:

FULL NAME OF S	ECOND INVENTOR:	DAI, Hongjie
INVENTOR'S SIGN	NATURE:	DATE:
RESIDENCE:	365 Pescadero Terr	race, Sunnyvale, CA 94086 USA
CITIZENSHIP:	United States of Ar	nerica
POST OFFICE ADI	ORESS: (Same as Re	sidence)
FULL NAME OF T	HIRD INVENTOR:	HAFNER, Jason H.
INVENTOR'S SIGN	NATURE:	DATE:
RESIDENCE:	373 Highland Ave.	#203, Somerville, Massachusetts 02144 USA
CITIZENSHIP:	United States of Ar	nerica
	ORESS: (Same as Re	
		: RINZLER, Andrew G.
INVENTOR'S SIGN	NATURE:	DATE: 6/19/03
RESIDENCE:	1713 SW 186 <sup>th</sup> St.,	Newberry, Florida 32669 USA
CITIZENSHIP:	United States of A	nerica
POST OFFICE ADI	ORESS: (Same as Re	sidence)
FULL NAME OF F	IFTH INVENTOR:	SMALLEY, Richard E.
INVENTOR'S SIGN	NATURE:	DATE:
RESIDENCE:	1816 Bolsover St.,	Houston, TX 77081 USA
	United States of A	
POST OFFICE ADI	DRESS: (Same as Re	sidence)

11321-P011 Series FULL NAME OF SIXTH INVENTOR: JIE LIU INVENTOR'S SIGNATURE:\_\_\_\_\_ DATE: RESIDENCE: 5825 Gulfton, Apartment 3214 Houston, Texas 77081 CITIZENSHIP: U.S.A. POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF SEVENTH INVENTOR: KENNETH A. SMITH INVENTOR'S SIGNATURE: DATE: RESIDENCE: 333 Dominion, Apartment 1334 Katy, Texas 77450 CITIZENSHIP: U.S.A. POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF EIGHTH INVENTOR: TING GUO DATE: INVENTOR'S SIGNATURE: RESIDENCE: 2612 Calder Court Davis, California 95616 CITIZENSHIP: CHINA POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF NINTH INVENTOR: PAVEL NIKOLAEV DATE: INVENTOR'S SIGNATURE: RESIDENCE: 2232 1/2 TROON Houston, Texas 77019 CITIZENSHIP: RUSSIA

Attorney Docket No.

FULL NAME OF TENTH INVENTOR: ANDREAS THESS

INVENTOR'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

CITIZENSHIP: GERMANY

POST OFFICE ADDRESS: (Same as Residence)

AUSTIN\_1\208783\1 11321-P011WUC1 02/19/2003



## GROUP 1700 AMENDED DECLARATION AND POWER OF ATTORNEY FOR U.S. NATIONAL PHASE PATENT APPLICATION **CLAIMING PRIORITY TO PCT APPLICATION**

(37 CFR 1.63)

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe that we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### MACROSCOPICALLY MANIPULATE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES

the specification of which:

is attached hereto; or

 $\boxtimes$ was filed on November 30, 2001 as a Continuation Application Number 10/000,746 (Attorney Docket No. 11321-P011WUC1) of U.S. National Phase of 09/242,040 and PCT Application Number PCT/US97/13896 which published as WO 98/05920 on February 12, 1998, corresponding to United States Provisional Patent Application No. 60/023,732, filed August 8, 1996.

The following divisionals of United States Patent Application Serial No. 10/000,746 have been filed (the "Divisional Patent Applications"):

Appl. Serial No.	Att. Docket No.	Continuity Type:	Filing Date:
10/028,231	11321-P011C1D1	Divisional	December 21, 2001
10/027,671	11321-P011C1D2	Divisional	December 21, 2001
10/038,204	11321-P011C1D3	Divisional	December 21, 2001
10/027,753	11321-P011C1D4	Divisional	December 21, 2001
10/036,684	11321-P011C1D5	Divisional	December 21, 2001
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10/027,750	11321-P011C1D7	Divisional	December 21, 2001
10/027,726	11321-P011C1D8	Divisional	December 21, 2001
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Prior Foreign Application Number(s)		Priority Not Claimed	Certified Copy Attached?		
		`		Yes	No
[ORIGINAL BASE/PRIORITY APPLICATION]					Ø

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<u>Application No.</u> 60/023,732

Official Filing Date August 8, 1996

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U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/13896	8 August 1997	WO 98/05920

For each of the Divisional Patent Applications, we further claim the benefit under 35 U.S.C. 120 of United States Patent Application Serial No. 10/000,746, and, insofar as the subject matter of each of the claims of any of the Divisional Patent Application is not disclosed in the this prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

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Robert C. Shaddox, Reg. No. 34,011
Henry L. Ehrlich, Reg. No. 39,663
Timothy M. Donoughue, Reg. No. 46,668
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of the law firm of WINSTEAD SECHREST & MINICK P.C. Please direct all correspondence to:

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and direct all telephone calls to **Ross Spencer Garsson**, Esq. at 512-370-2870 and all facsimile communications to 512-370-2850.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

RESIDENCE:	1911 Milford St., H	Iouston, TX 77098 US	A
INVENTOR'S SIGNA	ATURE:		DATE:
FULL NAME OF FII	RST INVENTOR:	COLBERT, Daniel	1.

**United States of America** 

POST OFFICE ADDRESS: (Same as Residence)

CITIZENSHIP:

FULL NAME OF	SECOND INVENTOR: DAI, Hongjie	
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	365 Pescadero Terrace, Sunnyvale,	CA 94086 USA
CITIZENSHIP:	United States of America	
POST OFFICE AL	DDRESS: (Same as Residence)	
FULL NAME OF	THIRD INVENTOR: HAFNER, Jas	son H.
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	373 Highland Ave. #203, Somerville	e, Massachusetts 02144 USA
CITIZENSHIP:	United States of America	
POST OFFICE AI	DDRESS: (Same as Residence)	•
	FOURTH INVENTOR: RINZLER, A	
INVENTOR'S SIG	GNATURE:	DATE:
RESIDENCE:	1713 SW 186th St., Newberry, Flori	ida 32669 USA
CITIZENSHIP:	United States of America	
POST OFFICE A	DDRESS: (Same as Residence)	, , , , , , , , , , , , , , , , , , , ,
FULL NAME OF	FIFTH INVENTOR: SMALLEY, I	Richard E.
INVENTOR'S SIG	GNATURE: Nichol Sall	DATE: 2/20/03
RESIDENCE:	1816 Bolsover St., Houston, TX 77	081 USA
CITIZENSHIP:	United States of America	
POST OFFICE A	DDRESS: (Same as Residence)	

11321-PU11 Sei	ries	
FULL NAME C	OF SIXTH INVENTOR: JIE LIU	
INVENTOR'S S	SIGNATURE:	DATE:
RESIDENCE:	5825 Gulfton, Apartment 3214 Houston, Texas 77081	
CITIZENSHIP:	U.S.A.	
POST OFFICE	ADDRESS: (Same as Residence)	
FULL NAME (	OF SEVENTH INVENTOR: <b>KENNETH</b>	A. SMITH
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	333 Dominion, Apartment 1334 Katy, Texas 77450	
CITIZENSHIP:	: U.S.A.	
POST OFFICE	ADDRESS: (Same as Residence)	
FULL NAME (	OF EIGHTH INVENTOR: TING GUO	
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	2612 Calder Court Davis, California 95616	
CITIZENSHIP	: CHINA	
POST OFFICE	ADDRESS: (Same as Residence)	
FULL NAME	OF NINTH INVENTOR: PAVEL NIKO	LAEV
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	2232 ½ TROON Houston, Texas 77019	
CITIZENSHIP	: RUSSIA	
POST OFFICE	E ADDRESS: (Same as Residence)	

Attorney D cket No.

FULL NAME OF TENTH INVENTOR: ANDREAS THESS	
INVENTOR'S SIGNATURE:	DATE:

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

CITIZENSHIP: GERMANY

POST OFFICE ADDRESS: (Same as Residence)

AUSTIN\_1\208783\1 11321-P011WUC1 02/19/2003



# AMENDED DECLARATION AND POWER OF ATTORNEY FOR U.S. NATIONAL PHASE PATENT APPLICATION CLAIMING PRIORITY TO PCT APPLICATION (37 CFR 1.63)

As below named inventors, we hereby declare that:

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## MACROSCOPICALLY MANIPULATE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES

the	speci	fication	n of w	hich:
uic	SUCCI	ncano	II OI W	шси.

- is attached hereto; or
- was filed on November 30, 2001 as a Continuation Application Number 10/000,746 (Attorney Docket No. 11321-P011WUC1) of U.S. National Phase of 09/242,040 and PCT Application Number PCT/US97/13896 which published as WO 98/05920 on February 12, 1998, corresponding to United States Provisional Patent Application No. 60/023,732, filed August 8, 1996.

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10/027,670	11321-P011C1D6	Divisional	December 21, 2001
10/027,750	11321-P011C1D7	Divisional	December 21, 2001
10/027,726	11321-P011C1D8	Divisional	December 21, 2001
10/027,628	11321-P011C1D9	Divisional	December 21, 2001
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''				Yes	No
[ORIGINAL BASE/PRIORITY APPLICATION]					×
		·			

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Application No. 60/023,732

Official Filing Date August 8, 1996

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Hugh R. Kress, Reg. No. 36,574
Robert C. Shaddox, Reg. No. 34,011
Henry L. Ehrlich, Reg. No. 39,663
Timothy M. Donoughue, Reg. No. 46,668
Reece A. Scott, Reg. No. 41,297
Edward T. Mickelson, Reg. No. 50,413

of the law firm of WINSTEAD SECHREST & MINICK P.C. Please direct all correspondence to:

Ross Spencer Garsson, Esq.
WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue, Suite 800
Austin, Texas 78701 USA

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COLBERT, Daniel T.

			•
INVENTOR'S SIGNA	ATURE:		DATE:
RESIDENCE:	1911 Milford St., Housto	on, TX 77098 US	<b>A</b>
CITIZENSHIP:	United States of America	a	

FULL NAME OF FIRST INVENTOR.

FULL NAME OF SECOND INVENTOR: DAI, Hongjie

INVENTOR'S SIGN	ATURE:	DATE:
RESIDENCE:	365 Pescadero Terrace, Sunnyv	rale, CA 94086 USA
CITIZENSHIP:	United States of America	
POST OFFICE ADD	RESS: (Same as Residence)	
FULL NAME OF TH	IIRD INVENTOR: HAFNER,	, Jason H.
INVENTOR'S SIGN.	ATURE:	DATE:
RESIDENCE:	373 Highland Ave. #203, Somer	ville, Massachusetts 02144 USA
CITIZENSHIP:	United States of America	
POST OFFICE ADD	RESS: (Same as Residence)	
FULL NAME OF FO	OURTH INVENTOR: RINZLER	R, Andrew G.
INVENTOR'S SIGN	ATURE:	DATE:
RESIDENCE:	1713 SW 186 <sup>th</sup> St., Newberry, F	lorida 32669 USA
CITIZENSHIP:	United States of America	
POST OFFICE ADD	RESS: (Same as Residence)	•
:		
FULL NAME OF FI	TH INVENTOR: SMALLE	Y, Richard E.
INVENTOR'S SIGN	ATURE:	DATE:
RESIDENCE:	1816 Bolsover St., Houston, TX	77081 USA
CITIZENSHIP:	United States of America	
POST OFFICE ADD	RESS: (Same as Residence)	

FULL NAME OF SIXTH INVENTOR: JIE 14U INVENTOR'S SIGNATURE: 1804519 Verses 17081 502 Westminster Drive Chapel Hill, North Carolina 27514 RESIDENCE: CITIZENSHIP: U.S.A. POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF SEVENTH INVENTOR: KENNETH A. SMITH INVENTOR'S SIGNATURE:\_\_\_\_\_ DATE: RESIDENCE: 333 Dominion, Apartment 1334 Katy, Texas 77450 CITIZENSHIP: U.S.A. POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF EIGHTH INVENTOR: TING GUO INVENTOR'S SIGNATURE:\_\_\_\_ DATE: RESIDENCE: 2612 Calder Court Davis, California 95616 CITIZENSHIP: CHINA POST OFFICE ADDRESS: (Same as Residence) FULL NAME OF NINTH INVENTOR: PAVEL NIKOLAEV INVENTOR'S SIGNATURE:\_\_\_\_ DATE: RESIDENCE: 2232 ½ TROON Houston, Texas 77019 CITIZENSHIP: RUSSIA

Attorney Docket No. 11321-P011 Series

FULL NAME OF TENTH INVENTOR: ANDREAS THESS

INVENTOR'S SIGNATURE:\_\_\_\_\_ DATE:\_\_\_\_

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

CITIZENSHIP: GERMANY

POST OFFICE ADDRESS: (Same as Residence)

AUSTIN\_1\208783\1 11321-P011WUC1 02/19/2003



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is attached hereto; or

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10/027,726	11321-P011C1D8	Divisional	December 21, 2001
10/027,628	11321-P011C1D9	Divisional	December 21, 2001
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We hereby claim foreign priority benefits for each of the Applications under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed		py Attached?
				Yes	No
[ORIGINAL BASE/PRIORITY APPLICATION]					

We hereby claim the benefit for each of the Applications under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application No. 60/023,732

Official Filing Date August 8, 1996

We hereby claim the benefit for each of the Applications under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/13896	8 August 1997	WO 98/05920

For each of the Divisional Patent Applications, we further claim the benefit under 35 U.S.C. 120 of United States Patent Application Serial No. 10/000,746, and, insofar as the subject matter of each of the claims of any of the Divisional Patent Application is not disclosed in the this prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Ross Spencer Garsson, Reg. No. 38,150 Hugh R. Kress, Reg. No. 36,574 Robert C. Shaddox, Reg. No. 34,011 Henry L. Ehrlich, Reg. No. 39,663 Timothy M. Donoughue, Reg. No. 46,668 Reece A. Scott, Reg. No. 41,297 Edward T. Mickelson, Reg. No. 50,413

of the law firm of WINSTEAD SECHREST & MINICK P.C. Please direct all correspondence to:

Ross Spencer Garsson, Esq.
WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue, Suite 800
Austin, Texas 78701 USA

and direct all telephone calls to Ross Spencer Garsson, Esq. at 512-370-2870 and all facsimile communications to 512-370-2850.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF	FIRST INVENTOR:	COLBERT, Daniel T.	
INVENTOR'S SIG	NATURE:	DATE:	
RESIDENCE:	1911 Milford St., I	Iouston, TX 77098 USA	
CITIZENSHIP:	United States of A	merica	

INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE: 365 Pescadero Terrace, Sur		e, CA 94086 USA
CITIZENSHIP:	United States of America	
POST OFFICE AL	DDRESS: (Same as Residence)	
FULL NAME OF	THIRD INVENTOR: HAFNER, Ja	nson H.
INVENTOR'S SIG	NATURE:	_ DATE:
RESIDENCE:	373 Highland Ave. #203, Somervil	le, Massachusetts 02144 USA
CITIZENSHIP:	United States of America	
POST OFFICE AI	DDRESS: (Same as Residence)	
FULL NAME OF	FOURTH INVENTOR: RINZLER, A	Andrew G.
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	1713 SW 186th St., Newberry, Flor	rida 32669 USA
CITIZENSHIP:	United States of America	
POST OFFICE AI	DDRESS: (Same as Residence)	,
FULL NAME OF	FIFTH INVENTOR: SMALLEY,	Richard E.
INVENTOR'S SIG	NATURE:	DATE:
RESIDENCE:	1816 Bolsover St., Houston, TX 77	7081 USA
CITIZENSHIP:	United States of America	
POST OFFICE AT	DDRESS: (Same as Residence)	

Attorney Dock 11321-P011 Se		
FULL NAME (	OF SIXTH INVENTOR: <b>JIE LIU</b>	
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	5825 Gulfton, Apartment 3214 Houston, Texas 77081	
CITIZENSHIP	U.S.A.	
POST OFFICE	ADDRESS: (Same as Residence)	
	OF SEVENTH INVENTOR: KENNETH A. SMI	
INVENTOR'S	SIGNATURE: Kenneth N. Smh	DATE: 2-25-03
RESIDENCE:	333 Dominion, Apartment 1334 Katy, Texas 77450	
CITIZENSHIP	: U.S.A.	
POST OFFICE	ADDRESS: (Same as Residence)	
FULL NAME	OF EIGHTH INVENTOR: TING GUO	
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	2612 Calder Court Davis, California 95616	
CITIZENSHIP	: CHINA	
POST OFFICE	ADDRESS: (Same as Residence)	
·FULL NAME	OF NINTH INVENTOR: PAVEL NIKOLAEV	
INVENTOR'S	SIGNATURE:	DATE:
RESIDENCE:	2232 ½ TROON Houston, Texas 77019	
CITIZENSHIP	: RUSSIA	

FULL NAME OF TENTH INVENTOR: ANDREAS THESS

INVENTOR'S SIGNATURE: DATE:

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

CITIZENSHIP: GERMANY

POST OFFICE ADDRESS: (Same as Residence)

AUSTIN\_1\208783\1 11321-P011WUC1 02/19/2003

RECEIVED



# AMENDED DECLARATION AND POWER OF ATTORNEY FORJUL 1 5 7003 U.S. NATIONAL PHASE PATENT APPLICATION CLAIMING PRIORITY TO PCT APPLICATION (37 CFR 1.63) GROUP 1700

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe that we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### MACROSCOPICALLY MANIPULATE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES

the specification of which:

is attached hereto; or

was filed on November 30, 2001 as a Continuation Application Number 10/000,746 (Attorney Docket No. 11321-P011WUC1) of U.S. National Phase of 09/242,040 and PCT Application Number PCT/US97/13896 which published as WO 98/05920 on February 12, 1998, corresponding to United States Provisional Patent Application No. 60/023,732, filed August 8, 1996.

The following divisionals of United States Patent Application Serial No. 10/000,746 have been filed (the "Divisional Patent Applications"):

Appl Secial No.	Att. Docket No.	Continuity Type:	Filing Date:
0/028,231	11321-P011C1D1	Divisional	December 21, 2001
10/027,671	11321-P011C1D2	Divisional	December 21, 2001
10/038,204	11321-P011C1D3	Divisional	December 21, 2001
10/027,753	11321-P011C1D4	Divisional	December 21, 2001
10/036,684	11321-P011C1D5	Divisional	December 21, 2001
10/027,670	11321-P011C1D6	Divisional	December 21, 2001
10/027,750	11321-P011C1D7	Divisional	December 21, 2001
10/027,726	11321-P011C1D8	Divisional	December 21, 2001
0/027,720	11321-P011C1D9	Divisional	December 21, 2001
10/027,668	11321-P011CD10	Divisional	December 21, 2001
10/027,568	11321-P011CD11	Divisional	December 21, 2001

We further believe that we are original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the inventions of these Divisional Patent Applications.

Collectively, United States Patent Application Serial No. 10/000,746 and the Divisional Patent Applications are the "Applications".

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Henry L. Ehrlich, Reg. No. 39,663
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F	ULL NAME OF FIRST INVENTOR:	COLBERT, Daniel T.		
C	NVENTOR'S SIGNATURE:	DATE:		
F	ESIDENCE: 1911 Milford St.	, Houston, TX 77098 USA		
(	ITIZENSHIP: United States of	America		
F	OST OFFICE ADDRESS: (Same as Residence)			

Attorney Docket No 1321-P011 Series	) <b>.</b>	
FULL NAME OF SI	ECOND INVENTOR: I	)AI, Hongjie
NVENTOR'S SIGN	NATURE:	DATE:
RESIDENCE:	365 Pescadero Terrac	e, Sunnyvale, CA 94086 USA
CITIZENSHIP:	United States of Ame	rica
POST OFFICE AD	DRESS: (Same as Resid	ence)
FULL NAME OF T	THIRD INVENTOR:	HAFNER, Jason H.
INVENTOR'S SIG	NATURE:	DATE:
		203, Somerville, Massachusetts 02144 USA
<b>t.</b>	United States of Ame	
POST OFFICE AL	DRESS: (Same as Resi	dence)
FULL NAME OF	FOURTH INVENTOR:	RINZLER, Andrew G.
DIVENTOR'S SIC	NATURE:	DATE:
RESIDENCE:	dh ac a	Newberry, Florida 32669 USA
CITIZENSHIP:	United States of An	erica
POST OFFICE A	DDRESS: (Same as Res	idence)
FULL NAME OF	FIFTH INVENTOR:	SMALLEY, Richard E.
INVENTOR'S SI	GNATURE:	DATE:
RESIDENCE:		Houston, TX 77081 USA
CITIZENSHIP:	United States of A	nerica
	ADDUCE (Same as Re	sidence)

Attorney D cket No. 11321-P011 Series	
FULL NAME OF SIXTH INVENTOR: JIE LIU	
INVENTOR'S SIGNATURE:	DATE:
RESIDENCE: 5825 Gulfton, Apartment 3214 Houston, Texas 77081	
CITIZENSHIP: U.S.A.	·
POST OFFICE ADDRESS: (Same as Residence)	
FULL NAME OF SEVENTH INVENTOR: KENNETH A.	SMITH
IN VENTOR'S SIGNATURE:	DATE:
RESIDENCE: 333 Dominion, Apartment 1334 Katy, Texas 77450	•
CITIZENSHIP: U.S.A.	,
POST OFFICE ADDRESS: (Same as Residence)	
FULL NAME OF EIGHTH INVENTOR: TING GUO	DATE: 4/1/03
INVENTOR'S SIGNATURE:	DATE: 11 17 2
RESIDENCE: 2612 Calder Court Davis, California 95616	
CITIZENSHIP: CHINA	
FOST OFFICE ADDRESS: (Same as Residence)	
FULL NAME OF NINTH INVENTOR: PAVEL NIKOLA	<b>LEV</b>
INVENTOR'S SIGNATURE:	DATE:
RESIDENCE: 2232 ½ TROON Houston, Texas 77019	
CITIZENSHIP: RUSSIA	
POST OFFICE ADDRESS: (Same as Residence)	

FULL NAME OF TENTH INVENTOR: ANDREAS THESS

INVENTOR'S SIGNATURE:\_\_\_\_\_\_ DA

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

DATE:\_

CITIZENSHIP: GERMANY

POST OFFICE ADDRESS: (Same as Residence)

AUSTIN\_1\208783\1 11821-P011WUC1 02/19/2003



## AMENDED DECLARATION AND POWER OF ATTORNEY FOR U.S. NATIONAL PHASE PATENT APPLICATION CLAIMING PRIORITY TO PCT APPLICATION (37 CFR 1.63)

RECEIVED
JUL 1 5 7003
GROUP 1700

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#### MACROSCOPICALLY MANIPULATE NANOSCALE DEVICES MADE FROM NANOTUBE ASSEMBLIES

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1110	SP.	, OIII	<b>ratio</b>	. • •	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

- ☐ is attached hereto; or
- was filed on November 30, 2001 as a Continuation Application Number 10/000,746 (Attorney Docket No. 11321-P011WUC1) of U.S. National Phase of 09/242,040 and PCT Application Number PCT/US97/13896 which published as WO 98/05920 on February 12, 1998, corresponding to United States Provisional Patent Application No. 60/023,732, filed August 8, 1996.

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10/027,753	11321-P011C1D4	Divisional	December 21, 2001
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10/027,726	11321-P011C1D8	Divisional	December 21, 2001
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1 1				Yes	No
[ORIGINAL BASE/PRIORITY APPLICATION]					Ø

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U.S. Parent Application or	Parent Filing Date	Parent Patent Number
PCT Parent Number	(MM/DD/YYYY)	(if applicable)
PCT/US97/13896	8 August 1997	WO 98/05920

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of the law firm of WINSTEAD SECHREST & MINICK P.C. Please direct all correspondence to:

Ross Spencer Garsson, Esq.
WINSTEAD SECHREST & MINICK P.C.
100 Congress Avenue, Suite 800
Austin, Texas 78701 USA

and direct all telephone calls to Ross Spencer Garsson, Esq. at 512-370-2870 and all facsimile communications to 512-370-2850.

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FULL NAME OF	FIRST INVENTOR:	COLBERT, Daniel T.	
INVENTOR'S SIG	SNATURE:	DA	TE:
RESIDENCE:	1911 Milford St., I	Houston, TX 77098 USA	

DOOT OFFICE ADDRESS (G D .1 )

**United States of America** 

CITIZENSHIP:

1 :

11321-P011 Series
FULL NAME OF SECOND INVENTOR: DAI, Hongjie
INVENTOR'S SIGNATURE: DATE:
RESIDENCE: 365 Pescadero Terrace, Sunnyvale, CA 94086 USA
CITIZENSHIP: United States of America
POST OFFICE ADDRESS: (Same as Residence)
FULL NAME OF THIRD INVENTOR: HAFNER, Jason H.
INVENTOR'S SIGNATURE: DATE:
RESIDENCE: 373 Highland Ave. #203, Somerville, Massachusetts 02144 USA
CITIZENSHIP: United States of America
POST OFFICE ADDRESS: (Same as Residence)
FULL NAME OF FOURTH INVENTOR: RINZLER, Andrew G.
INVENTOR'S SIGNATURE: DATE:
RESIDENCE: 1713 SW 186 <sup>th</sup> St., Newberry, Florida 32669 USA
CITIZENSHIP: United States of America
POST OFFICE ADDRESS: (Same as Residence)
FULL NAME OF FIFTH INVENTOR: SMALLEY, Richard E.

INVENTOR'S SIGNATURE: DATE:

RESIDENCE: 1816 Bolsover St., Houston, TX 77081 USA

CITIZENSHIP: United States of America

11321-P011 Sei	,			
FULL NAME C	OF SIXTH INVENTOR: JIE LIU			
INVENTOR'S S	SIGNATURE:	DATE:		
RESIDENCE:	5825 Gulfton, Apartment 3214 Houston, Texas 77081			.¢
CITIZENSHIP:	U.S.A.		• • •	
POST OFFICE	ADDRESS: (Same as Residence)	,, :	, ) i	
FULL NAME C	OF SEVENTH INVENTOR: KENNETH A. SMI	TH	v	٠,
INVENTOR'S S	SIGNATURE:	DATE:	·	
RESIDENCE:	333 Dominion, Apartment 1334 Katy, Texas 77450			
CITIZENSHIP:	U.S.A.	•	.1	
POST OFFICE	ADDRESS: (Same as Residence)		. :	:
FULL NAME C	OF EIGHTH INVENTOR: TING GUO			
INVENTOR'S S	SIGNATURE:	DATE:		
RESIDENCE:	2612 Calder Court Davis, California 95616	·		
CITIZENSHIP:	CHINA			
POST OFFICE	ADDRESS: (Same as Residence)			;
FULL NAME C	OF NINTH INVENTOR: PAVEL NIKOLAEV			
INVENTOR'S S	SIGNATURE:	DATE: 2.2	1.03	. :
RESIDENCE:	2232 TROON 614 Kipling Houston, Texas 77019 Houston, TX	#9 77006	NA	
CITIZENSHIP:	•			

FULL NAME OF TENTH INVENTOR: ANDREAS THESS

INVENTOR'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_

RESIDENCE: Max-Planck-Institut Biochemie; Abteilung Molekulace,

Strukturbiologie am Klopferspitz 189, D-82152 Martinsried, Germany

CITIZENSHIP: GERMANY

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AUSTIN\_1\208783\1 11321-P011WUC1 02/19/2003 ·



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iii -	DECOLLIVATION	OI WILLOIL.

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				Yes	No .
[ORIGINAL BASE/PRIORITY APPLICATION]					
v i		•			

We hereby claim the benefit for each of the Applications under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

<u>Application No.</u> 60/023,732

Official Filing Date August 8, 1996

We hereby claim the benefit for each of the Applications under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, We acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
PCT/US97/13896	8 August 1997	WO 98/05920

For each of the Divisional Patent Applications, we further claim the benefit under 35 U.S.C. 120 of United States Patent Application Serial No. 10/000,746, and, insofar as the subject matter of each of the claims of any of the Divisional Patent Application is not disclosed in the this prior United States application in the manner provided by the first paragraph of 35 U.S.C. 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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